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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,347	01/31/2001	Hideki Kuwajima	YAO-4337US	2586

7590

05/03/2004

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EXAMINER

LETSCHER, GEORGE J

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,347

Applicant(s)

KUWAJIMA ET AL.

Examiner

George J. Letscher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 29-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 29-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>15</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 8/28/03 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of *each* patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. *Specifically, Chinese Office Action dated 6/27/03 has no relevance provided.*

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 29-34 and 37-41 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT/US97/07233.

The aforementioned claims recite the following features, inter alia, disclosed in PCT/US97/07233: a head support mechanism including: a slider (24) having a magnetic head (25); a slider holding plate (arm which holds dimple (48)) for holding the slider; a pair of substrates (perpendicular portions 68A, 68B) each having an attached piezoelectric element (66A, 66B); elastic hinges (arms extending from the base of 22) bending depending on movement of the slider and dimple for connecting the slider plate and substrates; a dimple (48) for supporting the slider plate such that the slider plate is rotatable in the pitch, yaw and roll directions; wherein the slider is rotated around the dimple in the yaw direction by contraction and/or expansion of at least one of the piezoelectric elements. The substrates are stacked on each respective piezoelectric element, with at least one substrate bent by a bimorph effect and expansion at one of the piezoelectric elements. The dimple (48) is at an end of the of a load beam. The load beam has a pair of regulation portions (18) regulating rotation of the slider plate. The substrate roots are integral.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 35 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT/US97/07233.

The description of PCT/US97/07233 is in paragraph 2, supra.

Regarding claims 35 and 42, PCT/US97/07233 does not expressly show the substrates and piezoelectric elements are coated with resin.

Official notice is taken of the fact that resin coatings on piezoelectric elements and their substrates was notoriously old and well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the disk drive suspension of PCT/US97/07233 with the substrates and piezoelectric elements coated with resin. The rationale is as follows: one of ordinary skill in the art would have

been motivated to have provided the disk drive suspension of PCT/US97/07233 with the substrates and piezoelectric elements coated with resin since one of ordinary skill in the art would have wanted to have protected the elements from stray electromagnetic signals that would have damaged the elements or the head signals.

6. Claims 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT/US97/07233 in view of Crane et al (US 6,362,939).

The description of PCT/US97/07233 is in paragraph 2, supra.

Regarding claims 36 and 43, PCT/US97/07233 does not expressly show the substrate portions and elastic hinge portions having a conductor pattern transferring a signal to the head.

Crane et al disclose a microactuator suspension having a conductor pattern from the substrate portions and elastic hinge portions having a conductor pattern transferring a signal to the head; see Figures 2-3 and 26-27 of Crane et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have furnished the disk drive suspension having substrate portions and elastic hinge portions of PCT/US97/07233 with the substrate portions and elastic hinge portions having a conductor pattern transferring a signal to the head as taught by Crane et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to have

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furnished the disk drive suspension having substrate portions and elastic hinge portions of PCT/US97/07233 with the substrate portions and elastic hinge portions having a conductor pattern transferring a signal to the head as taught by Crane et al so that the signals between the head and the piezoelectric materials would have been coordinated for optimum performance of the suspension.

### ***Response to Amendment***

7. Applicant's arguments with respect to claims 1 and 29-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment to claims 1, 29, 34, 37-38 and 40 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH**


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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Letscher whose telephone number is (703) 305-7912.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

George Letscher  
April 30, 2004



**George Letscher**  
**Primary Examiner**  
**AU 2653**